REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated March 18, 2004. A Petition for Extension of Time (two months) and the fee therefor are enclosed.

Claims 1-9, 11-15, 18-27, 29-34 and 37-46 stand rejected on grounds of anticipation by Barritz (5,499,340). Claim 16 is asserted to be obvious in view of the aforementioned Barritz '340 patent, further in view of Wade (5,379,406). Applicant notes with appreciation the indication that claims 10 and 28 are directed to patentable subject matter, subject to their being rewritten in independent form. The applicant prefers, however, to defer the rendering of any claim in independent form pending resolution of the rejection of the aforementioned claims on prior art.

The operative word in claim 1 is "contemporaneously". That is, the claimed reducer "contemporaneously converts data records reflecting the execution of load modules to data records which reflect the usage of products on the computer."

In similar fashion, method, independent claim 20 recites providing a reducer which "contemporaneously converts data records...".

What does "contemporaneously" mean? In the specification at page 7, it is described that the data on program execution is gathered and converted to the ultimate information in an "on the fly" fashion, i.e., substantially contemporaneously with the execution of such load modules. Respectfully, this is drastically different than the method described in the '340 Barritz patent, wherein load module execution information is gathered over a substantial period of time, an inventory list is developed and consulted to ultimately -- at the end of a lengthy gathering step -- convert data and obtain the information that is here obtained on the fly. No comparable or even similar disclosure appears in Barritz.

Indeed, the concept of providing a reducer that provides the ultimate output of the system in the form of a list of software product names that have been executed on the fly, i.e., contemporaneously, is not even treated or addressed in the Office Action (at paragraph 2). The text which is being referenced, including at column 2, lines 56-57, column 3, lines 1-14, etc., nowhere addresses this feature. Therefore, it is respectfully contended that claims 1-36, all of

which are directed to that feature and which provide additional features which distances them even further from the Barritz '340 patent, are clearly patentable over the prior art.

Independent claim 37 is again not merely directed to a "reducer" as such, i.e., a type of software program that reduces or compresses data records. Rather, independent claim 37 provides and includes a table that stores a list of "entry-gate load modules". The claimed reducer converts data records reflecting the execution of the software products on the computer by reference to "substantially only" the entry-gate load modules stored in the table. Independent method claim 42 (which is modeled on product claim 37) recites the same invention.

The instant specification references specifically and defines "entry-gate load modules. Clearly, these entry-gate load modules do not encompass all of the load modules which are typically found in a computer. As the Examiner may appreciate, load modules are executable files that are accessed and utilized to control software execution when a software product is executed. In order to reduce the necessity of dealing with a vast number of data, the present application enhances the methodology first described by the instant co-inventor, Robert Barritz, in the originally disclosed invention in the '340 Barritz patent by limiting the information that is being handled to substantially only those load modules that are associated with and comprise "entry-gate load modules".

A very careful perusal of the entire text of the '340 Barritz patent shows that the term "entry-gate" never appears -- not even once -- in its description. That earlier patent is limited to the consideration of load modules and every load module is handled and processed and data for it collected when practicing the invention as described in the '340 Barritz patent.

Indeed, at page 6 of the Office Action, when addressing claim 36, the Office Action does not even treat or specifically reference the idea of entry-gate load modules which are special load modules that indicate the entry into a specific product which is quite difficult to ascertain. Moreover, the Office Action admits "Barritz does not specifically disclose reduces (sic) the amount of data records by at least a factor of 100 to 1." However, the Office Action takes official notice that a reduction of data is known. No one doubts or contests that. Nevertheless, with respect to the present invention as it relates to claims 36-46, it is respectfully submitted that the utilization of substantially only entry-gate load modules and the creation of special tables that

identify those load modules is nowhere disclosed or described or even remotely suggested in the co-inventor Robert Barritz's '340 prior patent.

Accordingly, it is submitted that all of the claims in the application are clearly patentable over the prior. The Examiner is therefore requested to reconsider the application, allow the claims as amended and pass this case to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August , 2004:

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Name of applicant, assignee or Registered Representative

Signature

August , 2004

Date of Signature

Respectfully submitted,

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